

Filed: March 20, 2001

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 99-4832
(CR-99-8)

United States of America,

Plaintiff - Appellee,

versus

Willie Lee Gholson, Jr.,

Defendant - Appellant.

O R D E R

The court amends its opinion filed March 2, 2001, as follows:

On page 2, second full paragraph of opinion, line 7 -- the year in the DeTemple citation is corrected to read "1998."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

No. 99-4832

WILLIE LEE GHOLSON, JR.,
Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Virginia, at Charlottesville.
Norman K. Moon, District Judge.
(CR-99-8)

Submitted: February 20, 2001

Decided: March 2, 2001

Before WIDENER and WILLIAMS, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

David L. Heilberg, LAW OFFICES OF DAVID L. HEILBERG,
Charlottesville, Virginia; Amy J. Collins, PRO-BONO CRIMINAL
ASSISTANCE PROJECT, Charlottesville, Virginia, for Appellant.
Robert P. Crouch, Jr., United States Attorney, Bruce A. Pagel, Assis-
tant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Following a jury trial, Willie Lee Gholson, Jr., was convicted on one count of conspiracy with intent to distribute cocaine base, in violation of 21 U.S.C.A. § 846 (West 1999), and two counts of distribution of cocaine base, in violation of 21 U.S.C.A. § 841(a)(1) (West 1999). The court sentenced him to sixty months in prison. Gholson appeals, asserting that the district court abused its discretion by denying his motion for substitution of counsel. We find no merit in his claim. Consequently, we affirm.

In determining whether the district court erred in denying a motion to substitute counsel, we consider three factors: "[t]imeliness of the motion; adequacy of the court's inquiry into the defendant's complaint; and whether the attorney/client conflict was so great that it resulted in a total lack of communication preventing an adequate defense." United States v. DeTemple, 162 F.3d 279, 288 (4th Cir. 1998) (quoting United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994)). Applying these factors to the facts of this case, we find that the district court did not abuse its discretion by denying Gholson's motion. Id.

We therefore affirm Gholson's convictions. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED